

May 10, 2006

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, May 10, 2006, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation and Facilities
WARREN G. HEIDT, Director of Public Works
KENNETH N. McNETT, Director of Court Services
FRANKLIN P. O'BYRNE, Director of Information Systems
DIANA C. STULTZ, Zoning Administrator
ROBERT A. SYMONS, Fire and Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Breeden called the meeting to order at 3:00 p.m.

Public Works Director Heidt led the Pledge of Allegiance, and Administrator Paxton gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Meeting held on April 27, 2006.

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CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING.

The Board presented a Certificate of Achievement for Excellence in Financial Reporting to Angela R. Hernandez, Accountant, Department of Finance, for her leadership in achieving this reward from the Government Finance Officers Association, marking the 24th consecutive year that the County has received the award.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department. He reminded the Board that comments on the Draft Environmental Impact Statement for the Harrisonburg Southeast Connector Location Study will be accepted by the State until May 26, 2006, and that a Location Public Hearing for this Study will be held at Spotswood High School on May 11, 2006.

In response to a question from Supervisor Ahrend regarding Route 741, Mr. Komara said it was on the plan but right-of-way conflicts had been encountered because some of the property owners live out of State.

He noted that his office was "close to getting the money to build Route 644, with \$1.5 million set aside in Revenue Sharing funds" and \$600,000+ which his department will "entertain moving to that project." He noted that he would have more information concerning this matter for the Board at the next meeting.

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VIRGINIA BYWAY DESIGNATION - U.S. ROUTE 11.

Eddie Bumbaugh, Harrisonburg Downtown Renaissance, advised that the Harrisonburg City Council had addressed the section of U.S. Route 11 passing through the City being part of the Virginia Byway system. He introduced Lynn Crump, State Department of Recreation and Conservation, who gave a Power Point presentation describing the State's designation process for assigning certain roads as Virginia Byways. She noted that her Department became involved when the Central Shenandoah Planning District Commission made a request with support letters from many of the jurisdictions all along Route 11, from Winchester to Roanoke. She said the State inspected the entire corridor and agreed that there were a few areas that would not meet the criteria. She assured the Board that Byways designation would require local government endorsement, and that it would not affect land use although it might affect the public's perception of how land could be used. She said it would not limit road improvements and would make the road eligible for Federal Scenic Byway funding. She noted that it might limit the placement or removal of outdoor signs.

Robert Kinsley, Shenandoah County Senior Planner, advised that Shenandoah County participated in this program and found that it worked very well. He reviewed the parts of his County where the program was included, and pointed out that it did "not have any negative effects on anybody." He said there had not been a "huge increase" in traffic although the Tourism Office did receive a number of map requests. He pointed out that Shenandoah's Comprehensive Plan and Zoning Ordinance were the only land use regulators besides the limitations on certain kinds of signs which were added to the Zoning Ordinance "to keep cell towers off our main scenic roads and give a sort of setback from them."

Supervisor Cuevas asked staff to look at how the criteria and restrictions relate to the County's existing conditions. He said he would like to see the difference between the requirements and the guidelines the County now has to follow for federally funded roads, and what a Byways designation would add to those requirements. He noted that staff could then bring the proposal back to the Board with a recommendation.

Supervisor Kyger agreed that it would be helpful to see a comparison of any new restrictions and the restraints that are presently in place in order for the Board to objectively consider the proposal.

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RESOLUTION NO. 06-07, CONCURRENCE RESOLUTION FOR SUNNYSIDE BOND ISSUE.

Following a presentation by Carolyn M. Perry, Esq., IDA Counsel, on motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the

following resolution.

**RESOLUTION OF BOARD OF SUPERVISORS OF
ROCKINGHAM COUNTY, VIRGINIA**

WHEREAS, the Industrial Development Authority of Town of Broadway, Virginia (the "Authority") has considered the financing request of Sunnyside Presbyterian Home ("Sunnyside") for the issuance of the Authority's revenue bond in the aggregate principal amount of \$10,000,000 (the "Bond") to assist Sunnyside in financing all of any portion of the total costs to: (i) to acquire and develop approximately 28.846 acres, more or less, of real estate in Rockingham County, Virginia (the "County") adjoining the lands and existing campus of Sunnyside at 3935 Sunnyside Drive, Harrisonburg, Virginia 22801, and lying about 1,200 feet east of State Route No. 687 in Central District in the County, all as more particularly described in that certain instrument of record in the Clerk's Office of the Circuit Court of the County as No. B2477 P550; (ii) to acquire, construct and equip approximately 90 independent living units thereon to be known as "*The Glen*", consisting of 18 townhouses, 12 villas and 60 cottages; (iii) to acquire, construct, renovate and equip capital improvements at the existing campus of continuing care retirement community facilities of Sunnyside at 3935 Sunnyside Drive, Harrisonburg, Virginia 22801; and (iv) to pay issuance costs and expenses in connection therewith (collectively, the "Project");

WHEREAS the Authority issues its bonds on behalf of the Town of Broadway, Virginia (the "Town");

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bond is located approve the issuance of such Bond; and

WHEREAS the Authority has duly held a public hearing on May 8, 2006, on the issuance of the Bond upon due notice of publication therefor, and the Authority has recommended to the Board of Supervisors of Rockingham County, Virginia (the "County") to approve the Project and the Bond, as required by such Section 147(f) of the Code and, further, Section 15.2-4905 of the Code of Virginia, 1950, as amended; and

WHEREAS, a copy of the Fiscal Impact Statement, the Certificate of Publication of Public Notice, a Summary of Statements at the Public Hearing, and a copy of the authorizing resolution of the Authority duly adopted on May 8, 2006 (the "Authority Resolution") approving the issuance of the Bond, subject to the terms to be agreed upon, have been filed with the Board of Supervisors of the County, all as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

1. The Board of Supervisors of the County hereby concurs with the Authority Resolution and approves the Project and the issuance of the Bond by the Authority for the benefit of Sunnyside, as more particularly described in the Authority Resolution.

2. The approval of the issuance of the Bond does not constitute an endorsement to prospective purchasers of the Bond or the creditworthiness of the Project or Sunnyside.

3. The Bond shall provide that it shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town, and the County, and neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bond or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town and the County, shall be pledged for the payment of principal or premium, if any, or interest on the Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Rockingham County, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution adopted by the Board at a regular meeting duly held and called on May 10, 2006. A record of the roll-call vote by the Board is as follows:

	AYE	NAY	ABSTAIN	ABSENT
Michael Breeden, Chairman	X			
Dee Floyd	X			
Pablo Cuevas	X			
Charles W. Ahrend	X			
William B. Kyger	X			

Dated: May 10, 2006

[SEAL]

Clerk, Board of Supervisors of
Rockingham County, Virginia

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FEE STRUCTURE FOR COURT SERVICES UNIT.

The Board heard a presentation by Kenneth N. McNett, Court Services Director, recommending the establishment of a fee structure for the Court Services Unit.

At the suggestion of Supervisor Cuevas, Finance Committee, the Board referred this proposal to the Community Criminal Justice Board for review.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated May 5, 2006, including information concerning upcoming town meetings regarding the gang issue in the City and County; economic development, the VDOT Primary Road hearing held in Salem on May 9, 2006; Jail/Court security; Sheriff's request for a supplemental appropriation; and landfill matters.

In regard to a proposal for painting the Jail, Chairman Breeden suggested that the Buildings and Grounds Committee make a recommendation to the Board.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved a supplemental appropriation of \$6,500 from the Contingency to the Sheriff's Department for overtime for eligible law enforcement personnel.

\$6,500	GL Code: 001-03102-000-1300-000	Overtime-
		Sheriff
\$(6,500)	GL Code: 001-09110-000-5800-000	Contingency

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated May 5, 2006, including information on the Technological and Industrial Park (TIP), wireless telephone service and miscellaneous projects, issue and meetings.

He reported that Alltel is expected to purchase assets and take over operation of CellOne in June of this year, and the County's contract for service with CellOne ends in November of this year, but can be renewed for two one-year terms thereafter. He pointed out that CellOne's cost proposal in October of 2004 was substantially lower than others that were submitted, and CellOne's fees remain at or below \$11.08 per phone (about \$15.00 per phone when

applicable taxes are included). On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board requested a one-year extension in the contract with CellOne.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger noted the following request from the Director of Social Services for a supplemental appropriation in the amount of \$1,063,336 to complete services for FY 2005-2006 for the Comprehensive Services Act, of which \$366,319 is local funding from the General Fund Reserve.

Mr. Allmendinger advised that, since the amount requested is fairly large, a budget amendment would have to be advertised and a hearing held on the request in order for the Board to act on the request. He pointed out that the Board could consider the local portion and hold a hearing on a budget amendment for the remainder.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved a supplemental appropriation for the local amount totaling \$366,319, and authorized advertising a budget amendment for the remainder.

\$366,319	GL Code: 220-05318-100-5714-000	CSA
		Mandated/Residential/Private
366,319	GL Code: 220-05101-2001	Transfer from General Fund
366,319	GL Code: 001-09301-000-9527-000	Transfer to Social Services District
366,319	GL Code: 001-05201-0100	Fund Reserve

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated May 10, 2006, including information concerning schedule for Penn Laird Drive and Water Tower Road sewer (advertising pending authorization from USDA Rural Development); McGaheysville WWTP (meeting with DEQ scheduled for May 11); Phase III Landfill extension (continuing to work with DEQ); Grassy Creek tank (project expected to be closed out by May 1); Three Springs Water system analysis (final payment in process); Pleasant Run

Interceptor (complete and submitted to DEQ for review and approval); Lilly Gardens (planning grant approved; County to submit reviewed Preliminary Engineering Report to VDH); City of Harrisonburg Waste to Energy Plant; and Solid Waste Ordinance changes (County and City meeting with haulers during week of May 8); and Highland Park and Belmont Sewage Lift Stations (flow study ongoing at both stations).

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated May 10, 2006, including information concerning Planning Commission activities; Development activities; and Straughen Special Use Permit for paintball activities.

On February 25, 2004, the Board approved S03-26, request of Winfield Kelly Straughen, Jr., 5387 North Valley Pike, Harrisonburg, for entertainment outside a building (off-road vehicle park, concerts, paintball park) on property located on the west side of North Valley Pike (Route 11) approximately 3/4 mile north of Melrose Road (Route 724) in Linville Magisterial District, Election District #2, zoned A-2.

Condition Number 15 read as follows: "This special use permit shall terminate as to the paintball activity one-year from the date of approval unless the Board renews the permit. If renewed, the Board reserves the right to add more conditions regulating the paintball activity. Applicant shall provide the Zoning Administrator with proof of an insurance policy covering paintball activities issued by an insurance company licensed to do business within the Commonwealth of Virginia."

Ms. Stultz reported that there had been no problems and no complaints regarding the paintball activities.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board renewed the permit.

Chairman Breeden noted that the Blue Ridge Committee would be starting a new type of meeting on May 24, 2006, to talk about the placement of roads, tourism, etc., and he suggested someone from staff, perhaps Rhonda Henderson, attend the meetings.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated May 4, 2006, including information concerning Remote Access Server (testing nearly complete); Document Imaging Project (RFP being prepared); Circuit Courthouse Deed Room Project (June 12 installation planned); ARC Reader Software installation completed for Jail); Disaster Recovery Plan being prepared); School Bookkeeping Software upgrade completed; backup server rebuild completed when server failed; and new desktop computers assembled for placement in Regional Jail.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated May 1, 2006, including information concerning activities in Training Division, Prevention Division, and Public Education. Chief Symons reviewed various measures being taken by County staff to prepare for a possible pandemic.

He noted that the VA Department of Emergency Management notified the County of an additional allocation of the 2005 State Homeland Security Program funds. He pointed out that the County was allocated a total of \$40,254, with a requirement that the County designate an applicant agent. On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board designated the County Administrator as the applicant agent by adopting the following resolution.

DESIGNATION OF APPLICANT'S AGENT

RESOLUTION NO. 06-08

BE IT RESOLVED by the Board of Supervisors of the County of Rockingham, VA, that Joseph S. Paxton, County Administrator, is hereby authorized to execute for and on behalf of the County of Rockingham, a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia.

BE IT FURTHER RESOLVED that the County of Rockingham, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

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RECREATION AND FACILITIES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Eberly’s staff report dated May 4, 2006, painting and replacement of carpet and tile at the Jail, Human Services and the Court House; an Energy Management Plan - RFP due back by June 5); proposals for dehumidification of lower level of Plains District Community Center due by May 30; recreation programs; Kids Trout Fishing Day (April 22 at Silver Lake in Dayton).

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COMMITTEE REPORTS.

The Board heard committee reports from Board members and staff.

By unanimous consent, as recommended by the Public Works Committee, the Board approved pre-qualification of the following engineering firms for procurement of engineering services for a period of at least one year.

Engineering Firm	Location of Office Serving County
Peed & Bortz, L.L.C.	Christiansburg, Virginia
Draper Aden Associates	Blacksburg/Charlottesville, Virginia
Hayes, Seay, Mattern & Mattern, Inc.	Roanoke, Virginia
Anderson & Associates, Inc.	Blacksburg, Virginia
SCS Engineers	Winchester, Virginia
Olver Incorporated	Blacksburg, Virginia

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 5:28 to 6:02 p.m., in accordance with State Code Sections 2.2-3711(A)(5) for discussion of a prospective business for which no previous announcement has been made and (7) consultation with legal counsel.

At 6:02 p.m., Chairman Breeden called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X06-09
SECOND: SUPERVISOR AHREND MEETING DATE: MAY 10, 2006

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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RECESS.

At 6:02 p.m., Chairman Breeden declared the meeting recessed for a field trip to the Dean property (special use permit site) and for dinner.

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ADJOURNMENT.

At 8:10 p.m., Chairman Breeden declared the meeting adjourned.

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Chairman